

Brett M. Foster
Takenaka Enterprises, Ltd.

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Dear Sir or Madam:

I'm writing because I'm concerned about the proposed Business Opportunity Rule R511993 currently under consideration. I believe that in its present form, it could prevent me from continuing as an Independent Affiliate in any type of home-based business opportunity. I acknowledge that part of your job is to protect the public from "unfair and deceptive acts or practices," but some of the sections in the proposed rule will make it very difficult if not impossible for me to sell RxP products.

One of the most, if not the most, confusing (and burdensome) sections of the proposed rule is the seven day waiting period to enroll new Affiliates. New Quest International's minimum sales kit is only costs \$34.99. Consumers purchase TVs, cars, and in some states even hand guns, as well as other items that cost much much more than NQI's activation and monthly autoship orders...and they don't have to wait seven-days. I believe that by design that this waiting period is meant to give the impression that there might be something wrong with the plan. I also think this seven-day waiting period is unnecessary, because NQI already has a 100% money back guarantee policy for all products.

Under this waiting period requirement, I'll be forced to keep excruciatingly detailed records of when I first speak to someone about NQI's product line and will then have to send in many burdensome reports to New Quest...that WILL negatively affect my ability to build my business.

The proposed rule also calls for the release of any information regarding lawsuits involving misrepresentation, or unfair or deceptive practices, regardless if the company was found innocent. Today, every business entity can be sued for almost anything. How can I as an independent business operator know if another independent business operator has been sued? If that second business operator was found innocent, why should I even know about it...and you want me to tell a prospective affiliate about something that may or may not be generally released material? Does that make sense to you? It doesn't make sense to me that I would have to disclose these lawsuits that are without cause. Regardless, NQI (or any direct marketing business for that matter) and I are cast in a "guilty" light even though we have done nothing wrong.

The next item is the proposed rule requires the disclosure of a minimum of 10 prior purchasers nearest to the prospective purchaser. I'd be happy to provide references, but in today's environment of identity theft, I'm extremely uncomfortable giving out my own personal information let alone that of other individuals (even with their approval) to complete strangers no less. I know that I would not want them to give out mine. Also, giving away this information could damage the business relationship of the references who may be involved in other companies or businesses including those of competitors. In order to get the list of the 10 prior purchasers, I would need to send the address of the prospective purchaser to NQI and then wait for the list of 10 names. In today's digital information age and the fact that many companies

have no geographic boundaries within the US, I may sell to 10 different people in 10 different states, and then to have to wait for the company to come up with those 100 names would cause an undue burden on me as a salesman.

I also believe the requirement of the proposed rule, "If you buy a business opportunity from the seller, your contact information can be disclosed in the future to other buyers.", will prevent many people from wanting to sign up as a salesperson. I believe that this requirement was drafted for that very purposes and is at it's core meant to shut down the direct marketing industry. But that aside, people are very concerned about their privacy and identity theft, yet you make no provisions for restitution in the event that it happens. They are and will continue to be reluctant to share their personal information with individuals they may have never met or may never meet in the future. Furthermore, a vast majority (approximately 80%) of all direct sellers are women. The FTC has obviously taken that into consideration when they drafted this rule which may subject these businesswomen to potential harassment or endangerment.

Originally, I became affiliated with NQI products because I saw a huge potential in them and wanted to earn some additional money. While I've only been an NQI Independent Affiliate since May of this year, I see the definite potential to earn a sizeable amount that will supplement our family budget with this extra income.

I appreciate the work of the FTC to protect consumers because I'm one also; but I believe this proposed new rule has many unintended and unthought out consequences; and that there are less burdensome alternatives available to achieve the end goals. You still maintain legal options to go after those few direct marketing companies that are less that honest, so don't make it impossible for a small home-based business owner to make ends meet.

Thank you for your time in considering my comments.

Sincerely,
///Signed///
Brett M. Foster